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09/740,487	12/19/2000	Michelle Q. Wang Baldonado	D/99342	3504
23910	7590	09/07/2004	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			ZHEN, LI B	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/740,487

Applicant(s)

WANG BALDONADO ET AL.

Examiner

Li B. Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/11/2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1 – 33 are pending in the application.

### ***Claim Objections***

2. Claims 32 and 33 are objected to as being improper dependent claims because they depend on a claim that does not exist. Applicant refers to "the article of manufacture of **claim 40**" in claims 32 and 33. Examiner respectfully notes that claim 40 does not exist. Appropriate correction is required.

### ***Information Disclosure Statement***

3. The information disclosure statement filed February 11, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each reference listed that is not in the English language. The reference "Parallelstrategie" is not in the English language and examiner was unable to locate a concise explanation of relevance. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 – 5, 8 – 10, 14 – 21, 24 – 26 and 29 – 33 are rejected under 35**

**U.S.C. 102(e) as being anticipated by U.S. Patent NO. 6,598,067 to Wydra et al.**

7. As to claim 1, Wydra et al. teaches a method for preparing a job for execution by a batch job execution system [col. 3, lines 25 – 31], comprising the steps of:

receiving a job from an external source [client computers 22 request a service to be performed; col. 5, lines 54 – 67], wherein the job includes at least one task [col. 9, lines 64 – 67];

selecting a program, subsequent to receiving the job, which includes a first part and a second part [service 132 created by the ASF as a service inherited from the services object 134, in relation to other services 136, 138, 140 also inherited from the services object 134, Fig. 8; col. 11, lines 23 – 33], which may be used in executing the job [service broker 30 section of the ASF determines whether the application server 24 to which the client computer 22 is coupled can execute the requested service; col. 5, lines 54 – 67];

preparing a batch job by associating the selected program with the job [service broker 30 interfaces with the listener 32 section of the ASF residing on the application server 24; col. 5, lines 54 – 67]; and,

transmitting the batch job toward the batch job execution system [service broker 30 interfaces with the listener 32 section of the ASF residing on the application server 24, and transmits the service request to the listener 32; col. 5, lines 54 – 67].

8. As to claim 2, Wydra et al. teaches identifying a service which is offered by the batch job execution system which can be used in executing at least a portion of one of the tasks of the batch job [col. 5, lines 54 – 67]; and,

scheduling information, which organizes the order in which the steps may be performed by the batch job execution system [schedule controller 36 section of the ASF, which establishes and maintains a schedule for the execution of each requested service; col. 6, lines 1 – 18] and whether the steps may be performed independent of one another or in parallel with one another [col. 4, lines 51 – 67].

9. As to claim 3, Wydra et al. teaches the second part of the program is for executing at least a portion of one of the tasks of the batch job [requested service is executed in operation 124, Fig. 3; col. 7, lines 1 – 5]; and, is further capable of generating additional steps to be executed by the batch job execution system in order to complete the task being executed [col. 11, line 49 – col. 12, line 5].

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10. As to claim 4, Wydra et al. teaches the program is selected from a plurality of programs stored in a library, wherein the programs are capable of being executed by the batch job execution system [primary application server determines which of the other applications servers or the primary application server should execute the service requested by a client computer 22, based upon which application server(s) is/are designated to execute the requested service; col. 12, lines 6 – 16].

11. As to claim 5, Wydra et al. teaches receiving a signal from the external source designating the program to be selected [based on the load balancer 148, the listener 32 advises the connection controller 34 of the preferred application server 24; col. 12, lines 17 – 31].

12. As to claim 8, Wydra et al. teaches a method for preparing a batch job for execution by a batch job execution system [col. 3, lines 25 – 31], comprising the steps of:

receiving a batch job comprising at least one task [client computers 22 request a service to be performed; col. 5, lines 54 – 67], by a first part of the batch job execution system [service broker 30 section, Fig. 6; col. 5, lines 54 – 67], wherein the batch job may be executed using a plurality of service providers [multiple application servers 24-1 through 24-M; col. 8, lines 35 – 54];

determining for the tasks of the batch job a service type, offered by a service provider of the batch job execution system, which may be used for performing the task

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[listener 32 maintains and refers to a file storing that information to identify the candidate application servers. Once the listener 32 has determined the candidate application server(s) designated to execute the requested service; col. 12, lines 17 – 32];

creating a step for each task, wherein the steps comprise a first reference to the determined service type needed to perform the task, and a second reference to the task [provides to the connection controller the name of the application server 24 making the request for the process, along with the object name of the process; col. 7, lines 50 – 64];

determining an efficient way to organize the created steps for execution by the batch job execution system [listener 32 refers to the conventional load balancer 148...to determine which of the candidate application servers is most ideally suited--from an overall system load perspective--as a preferred application server to execute the requested service; col. 12, lines 17 – 31];

preparing a program which comprises the created steps, and the organization of steps for execution by the batch job execution system [service broker 30 interfaces with the listener 32 section of the ASF residing on the application server 24; col. 5, lines 54 – 67]; and,

transmitting the batch job and the prepared program toward a second part of the batch job execution system [service broker 30 interfaces with the listener 32 section of the ASF residing on the application server 24, and transmits the service request to the listener 32; col. 5, lines 54 – 67].

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13. As to claim 9, Wydra et al., teaches a provider matrix that comprises: a list of services which are capable of being performed by the batch job execution system; and, a list of service providers which are capable of performing the services [a file storing that information to identify the candidate application servers; col. 12, lines 15 – 35].

14. As to claim 10, this is rejected for the same reasons as claim 3 above.

15. As to claim 14, Wydra et al., teaches a method for preparing and executing a task of a batch job by a batch job execution system [col. 3, lines 25 – 31], comprising the steps of:

receiving the task to be executed [client computers 22 request a service to be performed; col. 5, lines 54 – 67] from a first portion of the batch job execution system [service broker 30 section, Fig. 6; col. 5, lines 54 – 67] by a second portion of the batch job execution system [multiple application servers 24-1 through 24-M; col. 8, lines 35 – 54];

creating a plurality of steps, in response to receiving the task, which must be executed by a plurality of other service providers in order to complete the task [provides to the connection controller the name of the application server 24 making the request for the process, along with the object name of the process; col. 7, lines 50 – 64];

transmitting the plurality of steps to be completed toward the first portion of the batch job execution system for execution [service broker 30 interfaces with the listener



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32 section of the ASF residing on the application server 24, and transmits the service request to the listener 32; col. 5, lines 54 – 67];

receiving a plurality of results from the first portion of the batch job execution system once the plurality of steps have been executed [notifies the client computer 22 requesting the service upon completion of the service; col. 6, lines 1 – 19]; and,

preparing an output comprising the plurality of results [job management screen 150 displays the last time the service was performed, the next scheduled time the service will be performed, and the current status of each service that is available; col. 12, lines 43 – 60].

16. As to claim 15, Wydra et al. teaches the first portion of the batch job execution system is a job management apparatus [service broker 30 section, Fig. 6; col. 5, lines 54 – 67].

17. As to claim 16, Wydra et al. teaches the second portion of the batch job execution system is a service provider [multiple application servers 24-1 through 24-M; col. 8, lines 35 – 54].

18. As to claim 17, Wydra et al., teaches an apparatus for preparing a job for execution by a batch job execution system [col. 3, lines 25 – 31], comprising: a client [client computers 22-1 through 22-N; col. 5, lines 1 – 7], which is capable of receiving a job from an external source [col. 10, lines 50 – 55], wherein the job includes at least one

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task [col. 9, lines 64 – 67], wherein the client is for: selecting a program which comprises a first part and a second part [service 132 created by the ASF as a service inherited from the services object 134, in relation to other services 136, 138, 140 also inherited from the services object 134, Fig. 8; col. 11, lines 23 – 33], wherein the program may be used in executing the job [service broker 30 section of the ASF determines whether the application server 24 to which the client computer 22 is coupled can execute the requested service; col. 5, lines 54 – 67]; preparing a batch job by associating the selected program with the job [col. 5, lines 54 – 67]; and, transmitting the batch job toward the batch job execution system [col. 5, lines 54 – 67].

19. As to claims 18 – 21, these are rejected for the same reasons as claim 2 – 5 above.

20. As to claim 24, Wydra et al. teaches an apparatus for preparing a batch job for execution by a batch job execution system [col. 3, lines 25 – 31], comprising:

a service provider [multiple application servers 24-1 through 24-M; col. 8, lines 35 – 54], for: receiving a batch job comprising at least one task [client computers 22 request a service to be performed; col. 5, lines 54 – 67], wherein the batch job may be executed using a plurality of service providers [col. 8, lines 35 – 54]:

determining for the tasks of the batch job a service type, offered by a service provider of the batch job execution system, which may be used for performing the task [listener 32 maintains and refers to a file storing that information to identify the

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candidate application servers. Once the listener 32 has determined the candidate application server(s) designated to execute the requested service; col. 12, lines 17 – 32];

creating a step for the tasks, wherein the step comprises a references to the determined service type needed to perform the task, and a reference to the task [provides to the connection controller the name of the application server 24 making the request for the process, along with the object name of the process; col. 7, lines 50 – 64];

determining an efficient way to organize the created steps for execution by the batch job execution system [listener 32 refers to the conventional load balancer 148...to determine which of the candidate application servers is most ideally suited--from an overall system load perspective--as a preferred application server to execute the requested service; col. 12, lines 17 – 31];

preparing a program which comprises the created steps; and the organization of the steps for execution by the batch job execution system [service broker 30 interfaces with the listener 32 section of the ASF residing on the application server 24; col. 5, lines 54 – 67]; and,

transmitting the batch job and the prepared program toward a job management apparatus [service broker 30 interfaces with the listener 32 section of the ASF residing on the application server 24, and transmits the service request to the listener 32; col. 5, lines 54 – 67].

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21. As to claims 25 and 26, these are rejected for the same reasons as claims 9 and 10 above.

22. As to claim 29, Wydra et al., teaches an apparatus for preparing and executing a task of a batch job by a batch job execution system [col. 3, lines 25 – 31], comprising:

a service provider [col. 8, lines 35 – 54], which is capable of receiving the task [client computers 22 request a service to be performed; col. 5, lines 54 – 67] to be executed from a job management apparatus [service broker 30 section, Fig. 6; col. 5, lines 54 – 67], wherein the service provider is for:

creating a plurality of steps which may be executed by a plurality of other service providers in order to complete the task [provides to the connection controller the name of the application server 24 making the request for the process, along with the object name of the process; col. 7, lines 50 – 64];

transmitting the plurality of steps to be completed toward the job management apparatus for execution [service broker 30 interfaces with the listener 32 section of the ASF residing on the application server 24, and transmits the service request to the listener 32; col. 5, lines 54 – 67];

receiving a plurality of results from the job management apparatus once the plurality of steps have been executed [notifies the client computer 22 requesting the service upon completion of the service; col. 6, lines 1 – 19]; and,

preparing an output comprising the plurality of results [job management screen 150 displays the last time the service was performed, the next scheduled time the

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service will be performed, and the current status of each service that is available; col. 12, lines 43 – 60].

23. As to claim 30, Wydra et al., teaches an article of manufacture including an information storage medium wherein is stored computer readable information comprising: a client software component [client computers 22-1 through 22-N; col. 5, lines 1 – 7] for: receiving a job from an external source [col. 10, lines 50 – 55], wherein the job may be executed using a plurality of service provider software components [col. 8, lines 35 – 54];

selecting a program software component which references at least one of the plurality of service provider software components [col. 5, lines 54 – 67]; preparing a batch job software component by associating the selected program software component with the job [col. 5, lines 54 – 67]; and,

transmitting the batch job software component toward a job management apparatus software component [col. 5, lines 54 – 67].

24. As to claim 31, Wydra et al. teaches an article of manufacture including an information storage medium wherein is stored computer readable information comprising:

a service provider software component [multiple application servers 24-1 through 24-M; col. 8, lines 35 – 54], which offers a service of conversion planning [job scheduler

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36; col. 5, lines 7 – 26], wherein the service provider software component is for:

receiving a batch job software component [col. 5, lines 54 – 67];

separating the batch job software component into a plurality of tasks [building a schedule of services to be executed using the schedule controller 36; col. 6, lines 43 – 54], wherein the tasks may be performed by a service provider software component of a batch job execution system [col. 8, lines 35 – 54];

determining for the tasks a service type, offered by one of the service provider software components, which may be used for performing the task [col. 12, lines 17 – 32];

creating a step for each task, wherein the steps comprise a references to the service type needed to perform the task and a reference to the task [col. 7, lines 50 – 64];

determining an efficient way to organize steps for execution by the batch job execution system [col. 12, lines 17 – 31];

preparing a program software component, which comprises the steps and information designating the organization of the steps for execution by the batch job execution system [col. 5, lines 54 – 67]; and,

transmitting the batch job software component and the program software component toward a job management apparatus [col. 5, lines 54 – 67].

25. As to claims 32 and 33 [also note claim objections above], this is rejected for the same reasons as claims 25 and 26 above.

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. **Claims 6, 7, 11 – 13, 22, 23, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wydra et al. in view of U.S. Patent NO. 5,781,711 to Austin et al.**

28. As to claims 6 and 7, Wydra et al. does not teach identifying input and output type.

However, Austin et al. teaches receiving a first signal from the external source, which identifies the input type of information included in the job [a compound segment is defined, herein, as each pair of input/output designations used to describe the processing of a job; col. 11, lines 35 – 47];

receiving a second signal from the external source, which identifies the desired output type of information to be obtained when the job has been executed [attributes serve as directives for the printing system 10 indicating the manner in which a job copy is inputted and/or outputted; col. 11, lines 60 – 65]; and,

wherein the step of selecting a program is in response to receiving the first and second signal [each compound segment or frame, two tickets, namely an input ticket

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and an output ticket, are programmed to provide suitable information to the printing system regarding the input/output attributes of the job; col. 12, lines 1 – 19].

29. It would have been obvious to a person of ordinarily skilled in the art at the time of the invention to apply the teaching of identifying input and output type as taught by Austin et al. to the invention of Wydra et al. because provides a protocol service that can translate different types of requests from remote hosts into a common format [col. 15, lines 15 – 20 of Austin et al.].

30. As to claim 11, Wydra et al. as modified teaches a method for preparing and executing a task of a batch job by a batch job execution system [col. 3, lines 25 – 31 of Wydra et al.], comprising the steps of:

receiving the task of the batch job which is to be executed by a service provider [service 48 receives from the service broker 30 requesting the service 48 a callback instruction; col. 8, lines 21 – 29 of Wydra et al.];

making a call to start a session with a remote platform, in response to receiving the task [col. 16, lines 6 – 13 of Austin et al.];

making a call to put, subsequent to making a call to start a session, which transfers at least a portion of the information in the task to be executed to the remote platform [col. 5, lines 54 – 67 of Wydra et al.];

making a call to convert, subsequent to making a call to put, which instructs the remote platform to perform a function on the information transferred to the remote platform [col. 15, lines 15 – 20 of Austin et al.];



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making a call to get, subsequent to making a call to convert which retrieves the converted information from the remote platform [Connectivity Core will translate this request into a DPA-compatible format and forward it to the DM subsystem; col. 14, lines 11 – 23 of Austin et al.];

repeating each step of making a call to put, convert and get until the task is completed [After the document has been accepted, the Protocol Service starts to receive data from the underlying protocol stack and writes it into the I/O descriptor; col. 14, lines 23 – 36 of Austin et al.]; and,

making a call to end the session with the remote platform [Service will release all resources associated with the job; col. 14, lines 23 – 36 of Austin et al.];

wherein each of the above steps are performed by the service provide [col. 14, lines 23 – 36 of Austin et al.].

31. As to claim 12, Wydra et al. as modified teaches creating a unique address which identifies the session; and the step of making a call to end the session terminates the unique address [col. 11, lines 3 – 20 of Austin et al.].

32. As to claim 13, Wydra et al. as modified teaches the remote platform is operating on a Windows based machine [col. 9, lines 40 – 45 of Wydra et al.]; and the service provider is operating on a UNIX based machine [col. 16, lines 6 – 13 of Austin et al.].

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33. As to claims 22 and 23, these are rejected for the same reasons as claims 6 and 7 above.

34. As to claims 27 and 28, these are rejected for the same reasons as claims 11 and 13 above.

### ***Conclusion***

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent NO. 6,112,225 to Kraft et al. teaches a task distribution processing system and the method for subscribing computers to perform computing tasks during idle time.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen  
Examiner  
Art Unit 2126

lbz  
September 3, 2004



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